



EXHIBIT 9  
DATE 2/16/2011  
HB 435

NATIONAL RIFLE ASSOCIATION OF AMERICA  
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STATE & LOCAL AFFAIRS DIVISION  
BRIAN JUDY, MONTANA STATE LIAISON

TO: Members of the Montana State House Judiciary Committee  
FROM: Brian Judy, NRA-ILA Montana State Liaison  
DATE: February 16, 2011  
RE: House Bill 435 (Limit Police Firearm Seizure) - **SUPPORT**

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On behalf of the tens of thousands of National Rifle Association members who live in the State of Montana, I would like to register strong **support for House Bill 435**, legislation that would spell out the conditions under which firearms can be seized by law enforcement and establish a process and timeframe for the return of seized firearms.

House Bill 435 is intended to address the phenomenon of law enforcement officials taking firearms they encounter (whether or not lawfully possessed) into custody "to protect those on the scene," absent any particularized suspicion that the possessor is a threat to anybody or is a prohibited person or has used the firearm in furtherance of a crime. Sometimes, seizure *is* justified but the firearm is kept in custody for a longer period of time than is warranted. The National Rifle Association hears, frequently, from individuals who have had a firearm taken by law enforcement and are having trouble getting it returned. Often, the person just gives up the effort to regain possession of their property because it will cost more in legal fees than the firearm is worth.

In addition to setting out the specific process and timeframe for the return of a person's confiscated firearm, the bill provides for the reimbursement of legal fees if the firearm is not returned accordingly. HB 435 also explicitly requires the seizing officer to provide a receipt, which is critical in identifying who has the firearm, demonstrating prior possession (as firearms are not titled or registered in Montana) and providing proof that a firearm was, in fact, seized.

The bill limits the time firearms may be kept in government custody depending on the circumstances of the person's encounter with law enforcement, detainment, arrest and/or prosecution (or lack thereof). This is important because agencies have been known to hold seized firearms for long periods, sometimes indefinitely, for a variety of reasons. It is not unreasonable for a law-abiding citizen to expect to have his or her property returned in a reasonable and appropriate matter of time.

The National Rifle Association respectfully requests that you **support House Bill 435!**